

REMARKS/ARGUMENTS

Restriction/Election

The Examiner has requisitioned the Applicant, pursuant to 35 U.S.C. 121, to elect a single disclosed invention for prosecution on the merits from two inventions as identified by the Examiner. Applicant affirms the provisional election of Invention I, claims 1-7 (as-filed). Claims 8-16 are cancelled without prejudice to the Applicant's right to file on or more divisional applications having claims directed to the subject matter of cancelled claims 8-16.

Overview of Amendments

Claims 1-7 are amended.

Claims 8-16 are cancelled.

Claims 17-28 are newly submitted herewith. Applicant submits that no new matter is introduced into the application by this amendment.

Remarks Re: s.102 Rejections

Claims 1-7 were rejected under 35 U.S.C. 102(b) as anticipated by Konno et al. (U.S. Pat. No. 4,002,567). Claims 1-7 were also rejected under 35 U.S.C. 102(e) as being anticipated by Vossenkaul et al. (U.S. Pat. Appn. Pub. No. 2004/0035779). Applicant submits that amended claims 1-7 are novel over the Konno and Vossenkaul references.

Konno discloses a single nozzle (6) for admitting to-be-treated liquid into a chamber during use of the disclosed filtration apparatus. Konno fails to disclose a shell for a header of a water treatment module comprising a unitary body having an inner surface defining a recess, and an injection duct with an outlet disposed within and open to the recess, as claimed in amended claim 1.

Vossenkaul discloses a gasification device (8) from which air exits for scrubbing the surface of hollow fiber membranes during operation of the disclosed filtration

apparatus. Vossenkaul fails to disclose a shell for a header of a water treatment module comprising a unitary body having an inner surface defining a recess, and an injection duct with an outlet disposed within and open to the recess, as claimed in amended claim 1.

Since neither the Konno reference nor the Vossenkaul reference disclose all of the elements of amended claim 1, Applicant submits that amended claim 1 is novel over the references.

Claims 2 to 7 depend directly or indirectly from claim 1, and, Applicant submits, are allowable in that they depend from an allowable base claim (as argued above).

Claims 17-19 are newly submitted herewith, and also depend directly or indirectly from claim 1, and are allowable in that they depend from an allowable base claim.

Claim 20 is a new independent claim that recites a block of resin in the potting recess of the shells, and an outlet of an injection duct within the block resin. Applicant submits that at least this limitation is not disclosed in either the Konno or Vossenkaul references, and that accordingly, claim 20 is allowable over these references.

New claims 21-28 depend, directly or indirectly from claim 20, and are allowable in that they depend from an allowable base claim.

Priority

Pursuant to 35 U.S.C. 119(b), Applicant submits that a certified copy of Canadian Patent Application No. 2,452,892 filed on December 11, 2003, for which foreign priority is claimed, is being filed concurrently via courier.

In view of all the above, Applicant respectfully submits that this is a complete response to the outstanding Examiner's communication and that this application is now in condition for allowance. A notice to that effect is respectfully solicited.

If additional fees are required, please charge the fees to our Deposit Account No. 02-2095.

Respectfully submitted,

COTE ET AL.

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